

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

KEVIN LINDKE,
Plaintiff,

v.

Case No.: 19-cv-11905
Honorable Matthew F. Leitman

HONORABLE CYNTHIA A. LANE, a
Michigan state court judge, being
sued in her official capacity,
Defendant

MOTION

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**EMERGENCY MOTION FOR EXTENSION OF TIME
TO COMPLY WITH JULY 15, 2019 MINUTE ENTRY**

NOW COMES Plaintiff KEVIN LINDKE, by and through counsel, and moves for an additional seven (7) days to provide Defendant's counsel with the proposed First Amended Complaint in the manner proscribed by the Court. See *Minute Entry*, July 15, 2019. Because this motion is filed on a weekend and the undersigned will be in trial (i.e out of the office) on July 29, 2019, a concurrence could not be sought prior to filing this motion.

QUESTION PRESENTED

Should a deadline extension be granted?

Answer: Yes.

MOST RELEVANT AUTHORITY

FRCP 6(b)

BRIEF IN SUPPORT

The undersigned attorney had prepared for and has been in a bench trial before the Roscommon County Circuit Court (in Roscommon, Michigan) on July 25 and 26, 2019. The best belief of the attorneys involved was that said trial was to be completed by July 26, 2019. It did not finish.

The undersigned had anticipated completing the work for this case on July 29, 2019 to meet the deadline. That has been rendered impossible for reasons beyond the undersigned's control. As such, the short time need to complete the re-drafting of the First Amended Complaint as it cannot be completed by the deadline as the trial judge in Roscommon County Circuit Court has continued to the trial on July 29, 2019 without a confirmed ending date.

MEMORANDUM OF LAW

When an act may or must be done within a specified time, the court may, for good cause, extend the time with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires. FRCP 6(b)(a)(1).

ARGUMENT

Plaintiff's counsel needs additional time to complete required drafting and an extension is needed due to circumstances beyond this counsel. With

the withdraw of prior motions, there is no prejudice to any party in granting the relief.

RELIEF REQUESTED

WHEREFORE, the Court is requested to enter an order extending the deadlines outlined in Minute Entry dated July 15, 2019 by seven days.

Date: July 28, 2019

RESPECTFULLY SUBMITTED:

/s/ Philip L. Ellison
OUTSIDE LEGAL COUNSEL PLC
PHILIP L. ELLISON (P74117)
Counsel for Plaintiff
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CERTIFICATE OF SERVICE

I, the undersigned attorney of record, hereby certify that on the date stated below, I electronically filed the foregoing with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel or parties of record.

Date: July 28, 2019

RESPECTFULLY SUBMITTED:

/s/ Philip L. Ellison
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